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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,160	03/25/2004	Evan J. Segal	DMNZ 2 00048	7385

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Christopher B. Fagan, Esq.
Fay, Sharpe, Fagan, Minnich & McKee, LLP
Seventh Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,160

Applicant(s)

SEGAL ET AL.

Examiner

Aaron M. Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 23-28, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 9, 15-17, 26, 32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 23-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/25/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 9, 15, 16, 17, 26, 32 and 33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/27/2005.

Applicant's election with traverse of species Group II in the reply filed on 10/27/2005 is acknowledged. The traversal is on the ground(s) that claims 1, 23 and 32 are generic. This is not found persuasive because a claim is generic when the claim reads on all species. As Applicant has pointed out in his argument, claims 1, 23 and 32 are not generic to all species.

The requirement is still deemed proper and is therefore made FINAL.

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

The information disclosure statement (IDS) filed 3/25/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings were received on 10/27/2005. These drawings are approved.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 210, 212, 216, 218, 222, 224, 226, 228, 230, 232, 234, 240, 241, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 280, 282. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-14, 23-25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4817996, Fouts.

In regards to claim 1, Fouts discloses a fluid line connector assembly comprising:

- a length of flexible tubing (5A) having a tubing end;
- a first fitting body (40) received on the tubing end;
- a second fitting body (12) secured to the first fitting body, at least one of the first fitting body and the second fitting body forming a fluid-tight connection with the tubing end;
- a third fitting body (14) rotatably supported on the second fitting body; and,
- a sealing member (30) forming a fluid-tight seal between the second fitting body and the third fitting body.

In regards to claim 2, Fouts discloses the second fitting body includes an inwardly extending groove.

In regards to claim 3, Fouts discloses the third fitting body includes an outwardly extending groove in substantial alignment with the inwardly extending groove of the second fitting body.

In regards to claim 4, Fouts discloses a retaining member (48) at least partially received within a portion of each of the inwardly extending groove and the outwardly extending groove.

In regards to claim 5, Fouts discloses the sealing member is compressively positioned between the second fitting body and the third fitting body.

In regards to claim 6, Fouts discloses the sealing member is an o-ring.

In regards to claim 7, Fouts discloses the tubing end includes an outwardly extending flared portion, and the flared portion is positioned between the first fitting body and the second fitting body.

In regards to claim 8, Fouts discloses the first fitting body has an inside wall that includes a plurality of threads, and the second fitting body has an outside wall that includes a plurality of corresponding threads, the second fitting body is secured to the first fitting body by interengaging the threads.

In regards to claim 10, Fouts discloses at least one of the first fitting body and the second fitting body includes a flare-engaging surface in abutting engagement with the flared portion of the tubing end.

In regards to claim 11, Fouts discloses each of the first fitting body and the second fitting body including a flare-engaging surface, and the flared portion of the tubing end is compressively positioned between the flare engaging surfaces.

In regards to claim 12, Fouts discloses a sheath (55) extending along at least a portion the exterior of the length of tubing.

In regards to claim 13, Fouts discloses a polymeric coating extending along at least a portion of the sheath.

In regards to claim 23, Fouts discloses a fluid line connector assembly comprising:

- a length of flexible tubing having a tubing end;
- a first fitting body received on the tubing end;
- a second fitting body secured to the first fitting body, at least one of the first fitting body and the second fitting body at least partially forming a compression seal along the tubing end;
- a third fitting body rotatably supported on the second fitting body; and,
- a sealing member forming a fluid-tight seal between the second fitting body and the third fitting body.

In regards to claim 24, Fouts discloses one of the first and second fitting bodies includes a substantially frustoconical inside wall, and the other of the first and second fitting bodies includes a substantially frustoconical outside wall, and the substantially frustoconical inside and outside walls are in abutting engagement with the tubing end.

In regards to claim 25, Fouts discloses the second fitting body includes an inwardly extending groove.

In regards to claim 27, Fouts discloses the third fitting body includes an outwardly extending groove in substantial alignment with the inwardly extending groove on the second fitting body.

In regards to claim 28, Fouts discloses a retaining member at least partially received within a portion of each of the grooves.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fouts in view of US patent 2357669, Lake.

In regards to claim 14, Fouts discloses the claimed invention except for the length of flexible tubing including a plurality of corrugations. Lake teaches length of flexible tubing (7) including a plurality of corrugations to provide a hose that is flexible and capable of withstanding pressures higher than rubber hoses. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide length of flexible tubing with a plurality of corrugations to provide a hose that is flexible and capable of withstanding pressures higher than rubber hoses.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

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